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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,333	11/10/2003	Robert L. Parsons	29361.00	5087
22465	7590	03/29/2005	EXAMINER	
PITTS AND BRITTIAN P C P O BOX 51295 KNOXVILLE, TN 37950-1295			MCELHENY JR, DONALD E	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/705,333	Applicant(s) PARSONS, ROBERT L.	
	Examiner Donald E. McElheny, Jr.	Art Unit 2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11-10-03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 25, 26, 28, 29, 31, 32, 34, 35, 36 are rejected under 35 U.S.C. 102(a),(b) & (e) as being clearly anticipated by Burfeind et al. (6,360,172 B1).

Note that user specified location data may be read on many options taught, including the city, region of weather interest, a location of interest for weather event such as a sports event's location, or the user's location.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-24, 27, 30, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Burfeind et al. (6,360,172 B1) and McDonough et al. (20004/0049345 A1).

Burfeind et al., applied above, teaches most of the claimed invention of these claims with the exception of teaching details of the user's information display's color being set by the user by use of a scripting language and its tools (e.g. applet). Burfeind et al. do teach the general use of scripting languages and that such enable the user to have control of various functions and what is displayed according to their data preferences, they just lack further mention of specifics for user device data display color controls as claimed.

McDonough et al. also teach most of the claimed invention, including the use of scripting languages and their tools to empower the user to adjust or select the color controls of their display screen components and displayed objects and text therein. McDonough et al. teach that a variety of data sources and types may be used and that data presented by user preference criteria to the user's remote display device by the central server; lacking is the specific mention that such data may be specifically weather and radar data. McDonough et al. do teach that such supplied data types may be of and from GIS sources, maps, and that data may be static and dynamic (e.g. real time changing) in nature, and that the user's controls determine what overlay of information is compiled and how it is displayed for desired locations and events.

Thus both Burfeind et al. and McDonough et al. teach computerized systems including information gathering and remote data access and distribution of user requested data, allow the user control of how that data is sent and formatted and adapted for presentation purposes, include geographic information type datas, and what each lacks in more specific details the other supplies a teaching of. These two

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references thus exhibit the state of the prior art knowledge in the same technology fields, the same practical types uses, the same empowering of users by scripting languages to adjust their personal data receivers to their needs and desires, and have the same, if not similar, and a variety of common motivations for consideration of their taught features to be considered for use together and combined, and thus the claims would have been obvious to one of ordinary skill in the art without involving the concepts of invention. And variations of specifics, such as color adjustment modes, if not explicitly taught, are of such routine nature in the prior art of computerized display systems or their software that enable users to adjust colors of their displayed screen image, or portions thereof, such as by notoriously well known variety of graphic software as paint, drawing, Autocad, HTML web page presentation adjustment, that they do not involve the concepts of invention as they were also already notoriously well known for use for the same motivation reasons applicant gives in his disclosure.

These are just two of the many prior art references that may be combined together for showing a combination of specifics as claimed.

5. The remaining prior art cited also teaches the claimed features, either totally also as anticipating references, or of the key inventive features such as use of scripting languages (i.e. use of applets) to enable the remote user to adjust the color of features of display data on their personal data receiver device.

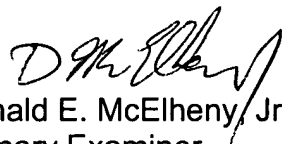
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald McElheny, Jr. whose telephone number is 571-

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272-2218. The examiner can normally be reached on Monday-Thursday from 7:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoff Marc, can be reached on weekdays at telephone number 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Donald E. McElheny, Jr.
Primary Examiner
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